

REMARKS

Applicant has now amended this application in response to the office action.

The Examiner has withdrawn this case from final rejection, and switched the order of the two references which were relied upon in the prior rejection. Now, the Examiner proposes to amend the Orrman, et al. patent with the Nakagaki, et al. patent. This rejection is no better than the former rejection. There is still no reason to combine these two references. Nakagaki, et al. discloses a machine which has a drive axis which would extend parallel to the outer wall of the elevator car. Orrman, et al. discloses a machine having a drive axis that would extend perpendicularly into the wall of the elevator car. The Examiner proposes to move dead end hitches about based upon alleged teachings in Nakagaki, et al. and into the Orrman, et al. device. However, Nakagaki, et al. discloses dead end hitches on opposed sides of the car, and for a machine which is driven in a completely different direction than Orrman, et al. Orrman, et al. discloses dead end hitches on a single side of the elevator car, and thus there would be nothing within Nakagaki, et al. that would propose moving the dead end hitches to be above a vertically lower portion of the bedplate. Thus, the combination cannot properly be combined to meet claim 1.

With regard to claim 11, Nakagaki, et al. discloses dead end hitches on opposed sides of the car. Thus, if one were to modify the dead end hitches of Orrman, et al., the combination would still not meet claim 11, in that claim 11 requires that the dead end hitches are on the bedplate, and “such that they will be between said car and a single wall.” Nakagaki, et al. discloses dead end hitches on opposed sides of the car, and at different vertical heights. The Examiner proposes to pick the vertical height of one dead end hitch, and ignore the height of the other, and the relative locations of the two. There would be no reason to pick and choose from Nakagaki’s construction to modify Orrman, et al. The proposed combination is simple hindsight reconstruction based upon Applicant’s claimed invention. Thus, claim 11 is also allowable.

For similar reasons, claim 16 cannot be properly rejected. There is nothing that would properly propose modifying Orrman, et al. in view of Nakagaki, et al. given the extreme differences in their construction and operation. Simply, the Examiner proposes to pick one feature of many from Nakagaki, et al. and ignore the rest.

Further, the Examiner proposes to reject claim 3 over the combined Orrman, et al. and

Nakagaki, et al. references further taken with Ando. The Examiner argues that Ando discloses dead end hitches atop a bedplate. Again, there would be no reason to modify Orrman, et al. with the teachings of Nakagaki, et al. as proposed by the Examiner, and thus the combination should fail for this initial reason. Moreover, there is surely no reason to take that combined elevator and further modify it based on Ando. For this reason, claim 3, and new claim 21, are both patentable over the prior art.

For the reasons set forth above, all claims are allowable. An indication of such is solicited. Fees in the amount of \$50.00 for one additional claim over 20 are paid by credit card. Applicant believes that no additional fees are necessary, however, the Commissioner is authorized to charge Deposit Account No. 50-1482 in the name of Carlson, Gaskey & Olds for any additional fees or credit the account for any overpayment.

Respectfully submitted,

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